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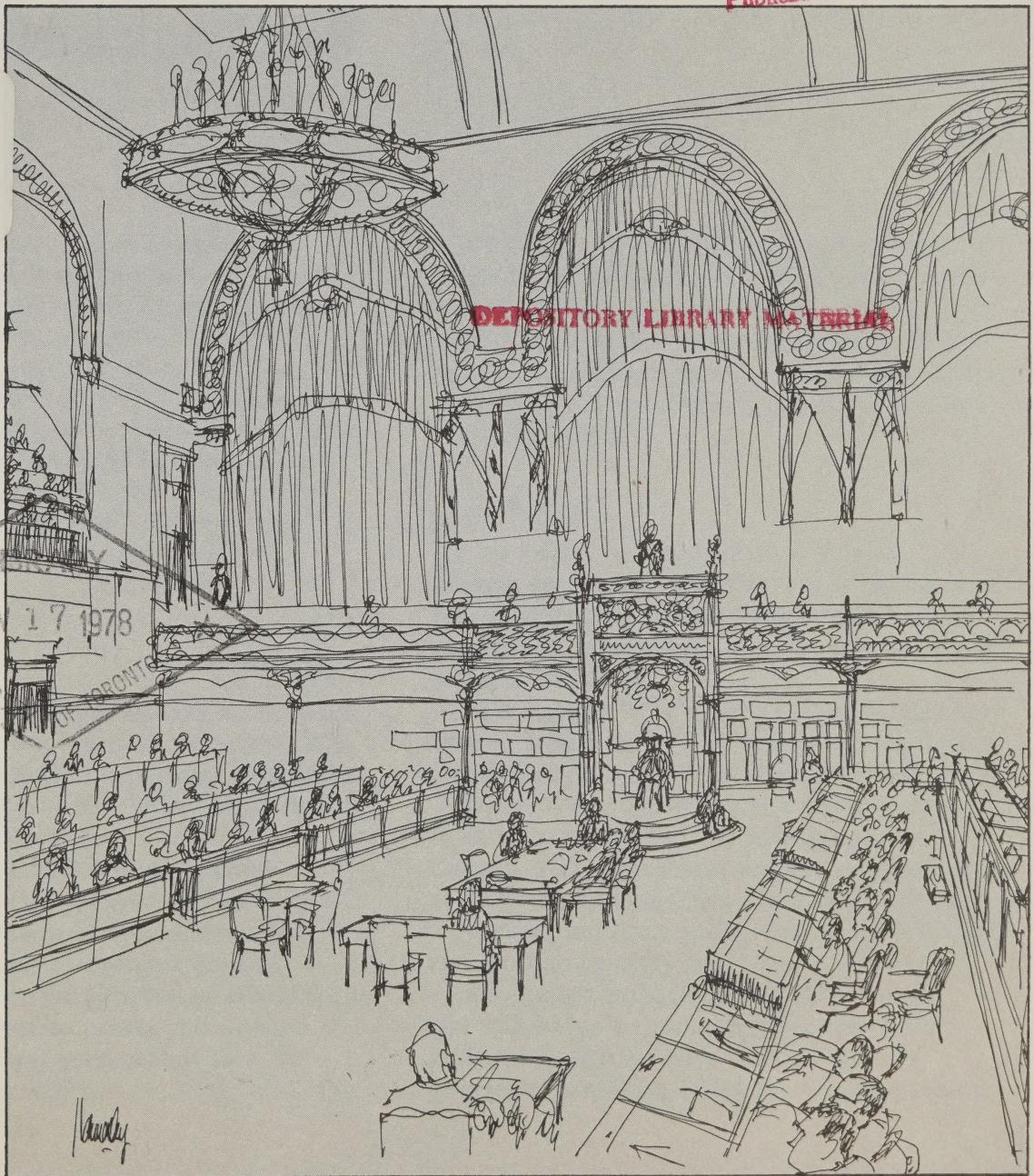
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# People, Ideas and Laws

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# People, Ideas and Laws

*Ontario. Legislature. Queen's Park. Government. You hear these words every day, but what do they mean to you? Do you know how Ontario is governed? Or why we have the form of government we do? Are you familiar with whom your MPP is and what he or she does? Or with how a bill which the MPP introduces in the Provincial Parliament can become a law which will affect every one of us? It is an interesting and important story, and one which every citizen of Ontario should know.*

## Then . . .

In 1867, when Canada was born, our form of government was unique in the world. We were part of the British Commonwealth, so our head of state was the British Monarch, and we were a monarchy.

But there were such strong regional differences in the provinces that made up the Dominion of Canada, that each province insisted on keeping certain powers and responsibilities. So we adopted a federal form of government, where power was divided between the central government and provincial governments.

We called our units of local government "provinces" and gave them the right to make laws about hospitals, prisons, municipal institutions, public works, property and civil rights, education, agriculture and a few other matters. Purely provincial concerns. Not very important in 1867.

## . . . and Now

The Fathers of Confederation never realized how important the "local" matters of health, education and welfare would become one hundred years later. Or how great the role of cities would be.

The provinces have met that challenge, and have assumed their more important roles in Confederation with great pride and ambition.

Today there are over seven million people in Ontario, a third of the population of Canada, and we demand services that cost all of us who pay taxes over six billion dollars a year and require a staff of some 90,000 men and women to carry out.

We employ policemen and mapmakers (we still haven't found all of the province's lakes, although we have charted about a quarter of a million of them). We have tenant

placement officers for the publicly assisted housing we own and programmers for the computers that help process the statistics for regional development.

There are people who preserve the habitat of our moose and people who promote our industrial products overseas; people who help rehabilitate drug addicts, and a protocol chief who rules on correct table setting and precedence of flags for visiting heads of state.

The total of all of these and many other people and programs and services is the sum of what Ontarians have indicated over the years that they want and are prepared to pay for — although no one of us needs, or is even aware of, more than a fraction of all of this complex mass of public activity.

And each one of the hundreds of programs and services which we now enjoy in Ontario has had to follow the rich and time-honoured tradition of being discussed and approved by the representatives of the people and then declared law by the representative of the Queen.

The Parliament of the Province of Ontario consists of the Lieutenant Governor, who is the representative of the Queen, and who therefore exercises the formal executive power in the province, and the Legislative Assembly, which consists of the elected representatives of the people.

## The Legislative Assembly

A main function of the Legislative Assembly is to comment on and criticize policies suggested by the Cabinet, to ensure that these policies are what the people of Ontario want.

The second principal role of the Assembly is to authorize the collection of funds from the people of Ontario to pay for the programs which they, through their elected representatives, have approved.

The Assembly, commonly called the House, consists of those men and women who have been elected by people in their community to represent them at Queen's Park. Once elected, they become Members of Provincial Parliament, and are usually called MPPs.

## Your MPP

The best word to describe your MPP is "communicator". The MPP communicates in many ways.

First, the MPP informs the community, usually called a constituency or a riding, of new programs and policies of the government.

Second, the MPP will try especially if he or she is an opposition MPP, to promote suggestions for alternative programs, and to criticise the government for inadequacies and failures.

Third, the MPP will be in close touch with constituents, receiving continual information

on their needs and their ideas. As the representative of the community, the MPP will communicate these things to the government, either in meetings of the caucus, in committees, or in the House itself.

Fourth, the MPP will often try, in the case of a problem a constituent may have with a government service, to step in and try to sort things out.

The MPP performs many other functions as well in the role of representative of the community.

## Political Parties

MPPs usually belong to political parties, and they run for Parliament on the policies put forward by their party. Elected Members of each party form that party's caucus. "Caucus" comes from the Algonquin word for adviser. The Lieutenant Governor calls on the leader of the party with the most seats in the House to form a government. This leader becomes the Premier of the province, and proceeds to choose colleagues from among elected MPPs of the Premier's own party, to be in the Cabinet.

The party with the next highest representation in the House is called the Official Opposition and all opposition parties together in the House are called Her Majesty's Loyal Opposition. All opposition parties have a number of functions, including making proposals for new legislation and examining government spending, but as far as legislation

goes, their chief function is to criticise constructively. In this role, opposition parties help to ensure that government policies and operations are brought to the public's attention and are debated fully and openly.

## The Cabinet

Although the Queen is the nominal head of the Province, executive power lies with the provincial government, and more specifically with the Cabinet (whose technically correct name, used in official documents and proceedings, is the Executive Council).

The Legislative Assembly is led by the Premier and his Cabinet. Generally a Cabinet Minister has responsibility for one government department or ministry. A ministry consists of the public servants, employed by the people of Ontario, to administer all the programs and services within the Minister's area of responsibility.

The Cabinet Minister reports to the House on the work of his or her ministry, and asks the House for funds to enable the ministry to continue its work, and to introduce new programs. The Minister must also answer questions and criticism concerning that ministry.

The Premier and his Cabinet may design the structure of the governmental departments in whatever way they think will be most effective. There could be one ministry, or one hundred ministries, but the Cabinet will usually choose the minimum

number of ministries necessary to work efficiently.

In Ontario, the structure of government ministries reflects the importance attached by the Cabinet to a strong and co-ordinated approach to policy-making.

Most ministries are grouped into areas of common interest called policy fields, so that the Ministers and their staffs can share problems and ideas more readily, and can co-ordinate a solution to a problem in their area.

Work within each policy field is co-ordinated by a Provincial Secretary, who is a policy minister and a member of Cabinet. Each ministry within the policy field is directed by a Cabinet Minister, who has operational responsibility for the ministry, and who works with colleagues in the policy field to develop policy proposals.

In addition, there may be Ministers without Portfolio, who are full members of the Cabinet but who do not have responsibility for a specific ministry.

### **Mr. Speaker**

At the first session of each Parliament, before the Speech from the Throne, the Sovereign's representative indicates that he or she does not wish to meet further with the Members of the Legislature until they have selected one person to act as their spokesman and to preside over the deliberations of the House.

The Speaker, as this spokesman is called, is elected from among fellow Members for the life of the Parliament or until he or she resigns.

The Speaker presides over the House and represents it at public functions. Should Mr. Speaker be absent or wish to leave the chair at some time, he calls on the Deputy Speaker, who is also the Chairman of the Committee of the Whole House, to act in his place.

The Speaker does not take part in any debate of the House, nor does he vote except in the case of a tie.

It is Mr. Speaker who rules on the correctness of debates and other matters in the House and it is his duty to maintain order. Because of his office, as the presiding officer and spokesman for the House, Mr. Speaker is treated with great respect. No Member remains on his feet or speaks while Mr. Speaker is standing to address the House.

### **Question Period**

As part of the routine proceedings each day, a period of time is set aside for Members of the House to ask questions of the Ministers of the Crown.

Members from all of the House, but primarily the Opposition, may ask oral questions on matters of general public concern. The Ministers answer questions, if they see fit, to give information to the inquirer or to explain a position which the ministry has taken.

Perhaps it is during the Question Period that responsible government is most evident to the public eye.

The representatives of the electors are able to put questions to the Queen's Ministers, and the government has the opportunity to explain its position to the House and indirectly to the public.

### How a Law is Made

Bills, as presented in the House, fall into two classifications: Private Bills, and Public Bills. Private Bills propose legislation to meet some special situation affecting a particular person, corporation or community, and are introduced by a Member as a result of petitions presented by the interested parties.

Public Bills, on the other hand, affect matters of general interest. Any individual Member may bring a Private Members Public Bill before the Legislature as long as the proposed legislation does not require the expenditure of public money. One hour is reserved each week to hear these bills.

Usually, however, a Cabinet Minister will introduce proposals for legislation in the House, and the majority of House time is devoted to the consideration of these bills. This form of Public Bill is called a Government Bill.

### Passing a Government Bill

A Cabinet Minister gets an idea. It may be an original idea, it may be party policy, or it may come from a party member, from a member of an opposition party, from a staff member, an outside expert, or from a citizen who writes a letter.

The idea is given to senior ministry staff. They develop it. They test it: What will be involved in putting the proposal into practice? How many different ways can it be done? Which way is best?

With the help of the ministry, the idea is drafted as a bill and prepared for the Legislature by one of the Legislative Counsel — lawyers who specialize in writing legislative documents. This service is provided for all Members and ministries.

Next, the Minister steers the proposal through a series of committees.

The first is the Policy Field Committee, composed of Ministers whose areas of activity fall within the broad fields of Justice, Social Development or Resources Development.

They compare the proposal with others in their own ministries. For instance, will it fit into existing programs? Is it such a fresh idea that it needs its own separate track?

Then to the Policy and Priorities Board and to the Management Board of Cabinet, where other Ministers consider it. How much will it cost? How important is it?

Now the idea, probably somewhat changed since it started, and certainly sharpened, goes before the whole Cabinet. It must now answer to these questions: Is it politically sensible? When should it be introduced? What will the public think of it?

The Cabinet satisfied, the proposal goes to the government caucus.

A debate ensues. Every Member now has the chance to comment or suggest changes. A vote may be taken but this is rare. If the majority approves, the idea becomes a bill, ready to be put before the entire Legislature.

The idea has come a long way. At any point through all those committees it could have been sent back for reworking. The process can (and usually does) take months.

But even now, refined and hammered and polished, the bill must go through the most important test of all, the democratic process.

## First Reading

Draft legislation is placed before the House by means of a motion that the bill be read the first time. This is not debated.

After the House passes this motion the bill is assigned a number by the Clerk of the House and given first reading by one of the Clerks at the Table.

The mover of the motion is entitled to make a brief statement of the purposes of the bill after first reading. The bill is then printed and distributed to all Members.

## Second Reading

Usually a few days pass before the bill is dealt with again by the Assembly.

At the appropriate time the Member sponsoring the bill moves that it be read a second time, and a debate may take place on the principles contained in the bill.

Each Member, with the exception of the mover of the motion, is entitled to speak once. Before the conclusion of the debate on a Government measure the sponsor of the bill may reply to those matters raised in debate which he or she feels ought to be answered.

The Speaker then puts the question, shall the bill be read a second time?

A voice vote usually follows, and if there is strong opposition, a recorded vote – that is one in which the ayes and nays are counted – may be called for. The division bells are rung to call in any Members of the Assembly who may be absent from the Chamber.

The question is put again, and each Member stands in place to record support or opposition to the general principles of the bill.

If the motion is passed, the bill is read a second time.

## Consideration by Committee

The Speaker asks the House if it is their pleasure for the bill to be ordered for third reading.

If any Member dissents, the bill is sent for a detailed study to a committee selected by

the sponsor of the bill. This could be either a Standing Committee or the Committee of the Whole House.

A Standing Committee is one of a number of small groups of Members established at the start of each session of the Legislature (to look at such matters as Legal Administration, Natural Resources, etc.).

Each clause of the bill may be studied and can be changed by amendment in committee, but the principle of the bill, which has already been passed by the House, cannot be altered.

The Standing Committees may, if they wish, hear from members of the public, as well as questioning the Minister concerned and ministry officials.

When the Standing Committee makes its report to the Speaker of the House, the bill can then be ordered for third reading, or sent to the Committee of the Whole House.

This committee is composed of all of the Members of the Legislature.

The debate is presided over by the Chairman of the Committee of the Whole House. Since the Speaker is absent from the Chamber during this debate, and the House has assumed a more informal nature, the Mace is removed from the top of the Clerk's Table and placed under the Table.

During consideration of a bill in the Committee of the Whole House, Members may speak more than once, and the sponsor of the bill is entitled to reply to each Member during the course of the debate.

When the bill has been considered, and perhaps amended, by the committee, it is sent back to the Legislature by means of a committee chairman's report to the House. The bill is then ready for third reading.

### **Third Reading**

Since the principles of the bill have already been approved, and the opportunity has been given for detailed examination of the contents of the bill, there is little reason for further debate.

The motion for third reading is therefore customarily carried without debate, but a short explanation of any continued opposition is permitted.

When the motion for third reading has carried, the bill is read the third and last time by the Clerk, and Mr. Speaker indicates that the bill has been passed by the House.

### **The Final Step**

The final step before the bill becomes law is a ceremonial occasion, but filled with meaning.

From time to time, during the session, the Sovereign's representative, the Lieutenant Governor, enters the Chamber to give Royal Assent to the bills which the Assembly has passed.

In the name of the Assembly, Mr. Speaker addresses the Lieutenant Governor and asks that the bills that have been passed be enacted into law.

The titles of the bills are indicated by the Clerk Assistant, and the Royal Assent is pronounced by the Clerk of the House on behalf of the Lieutenant Governor.

The bills involved have now become Acts, and part of our law.

The process is now complete. An idea has been analysed, tested and developed. Elected representatives of the people have had a chance to discuss, criticize and amend it. They have talked about it for weeks, maybe even months, in the House and in their constituencies.

Finally they have presented it to the Lieutenant Governor for Royal Assent.

An idea has become law. But there are other ideas and other needs, and the cycle will continue every day the House is in session. Some ideas will be accepted, others will be rejected. But the effort to find solutions and develop the programs to meet needs never stops.

*We've come a long way since 1867. Governments have changed. Representatives of the Monarch have changed. Ministries have changed. And we've had to face problems the Fathers of Confederation never imagined. But our form of government has proved to be flexible and dynamic, and we can be as proud of it today as the Fathers of Confederation were over 100 years ago.*



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